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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,264	08/06/2003	Sung Soo Kim	0209.1003	1387

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EXAMINER

RAMIREZ, DELIA M

ART UNIT PAPER NUMBER

1652

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Status of the Application

Claims 1-9 are pending.

Applicant's preliminary amendment of claim 1 in a communication filed on 12/1/2003 is acknowledged.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claim 1, drawn to an antioxidant against reactive oxygen species comprising a cyclophilin protein with PPIase activity, classified in class 435, subclass 233.
 - II. Claims 2-6, 8, drawn in part to a recombinant expression vector which can express cyclophilin, a pharmaceutical composition comprising said vector, a cell transformed with said vector, and a method of producing cells which can express cyclophilin, classified in class 435, subclass 320.1.
 - III. Claims 4-5, 7, 9, drawn in part to a cell which is resistant to cyclosporine A and a method of preparing said cells, classified in class 435, subclass 440.

The inventions are distinct, each from the other because of the following reasons:

2. Groups I-III each comprise a chemically unrelated structure capable of separate manufacture, use, and effect. The protein of Group I comprises amino acids, the expression vector of Group II comprises purine and pyrimidine units, and the cell of Group III is a unit of living matter capable functioning independently. Therefore, the products of Groups I-III are structurally and functionally distinct molecules. The expression vector of Group II has other uses besides encoding the protein of Group I, such as a hybridization probe or in gene therapy. Further, the protein of Group I can be prepared by processes which are materially different from recombinant expression of the nucleic acid of Group II,

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such as by chemical synthesis, or by isolation and purification from natural sources. The cell of Group III does not require the expression vector of Group I as it can be made by exposing the cell to cyclosporine A, as shown in Example 7 of the specification.

3. As set forth in MPEP § 803, the criteria for a proper restriction between patentably distinct inventions requires that the inventions must be independent or distinct as claimed, and a search of all the inventions would impose a serious burden on the examiner. Groups I-III have been shown to be independent or distinct, for the reasons set forth above. MPEP § 803 also indicates that a serious burden on the examiner may be prima facie shown if the Examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search. The inventions of Groups I-III have acquired a separate status in the art because of their recognized divergent subject matter, as shown by their different classification. In addition, a search of all the inventions would require at a minimum a separate patented/non-patented literature search and a class/subclass search. These searches are not all co-extensive. Therefore a comprehensive examination of all groups would impose an undue burden on the Examiner. Thus, restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement can be traversed (37 CFR 1.143).

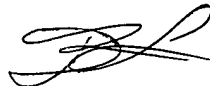
5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available

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through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Delia M. Ramirez whose telephone number is (571) 272-0938. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Ponnathapura Achutamurthy can be reached on (571) 272-0928. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.



Delia M. Ramirez, Ph.D.
Patent Examiner
Art Unit 1652

DR
March 5, 2006